



DECLARATION AND POWER OF ATTORNEY



As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below.

I believe that I am the original, first and sole inventor of the innovative subject matter described and claimed in the U.S. patent application identified as follows:

Title: **Transport System with Tunable Channel Spacing DWDM;**

Inventors: David G. Way (full legal names listed below);

Attorney Docket No.: FN-3120;

Filing Date (MM/DD/YY): 08/04/00;

Serial No.: 09/633,005.

I hereby state that I have reviewed and understand the contents of the above-identified U.S. patent application, **INCLUDING THE CLAIMS.**

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, §1.56(a).

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention or discovery thereof.

I do not know and do not believe that the claimed invention was ever patented or described in any printed publication in any country before my invention or discovery thereof.

I do not know and do not believe that the claimed invention was ever patented or made the subject of an inventor's certificate issued prior to the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns.

I do not know and do not believe that the claimed invention was ever patented or described in any printed publication in any country more than one year prior to the filing date of this U.S. application.

I do not know and do not believe that the claimed invention was ever in public use or on sale in the United States of America more than one year prior to the filing date of this U.S. application.

I hereby appoint Robert Groover III, Reg.No.30,059, and Betty G. Formby, Reg.No.36,536, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and also to file and prosecute any corresponding application in any foreign country.

I hereby direct that all correspondence and telephone calls be addressed to:

Robert Groover,
17000 Preston Rd. #230, Dallas TX 75248;
(972) 380-6333.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may also jeopardize the validity of the application or any patent issued thereon.

Inventor: David G. Way

Date: 9/11/2000 Signature: David G. Way

Residence and Mailing Address: 6518 O'Malley Ct.,
Garland, TX 75044, USA

Citizenship: USA

AND I HEREBY AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on said invention to ASSIGNEE, its successors and assigns.

IN WITNESS WHEREOF, this Assignment has been executed on the date set forth below.

Inventor's Name: David G. Way

Signature: David G. Way

Residence Address: 6518 O'Malley Ct., Garland, TX 75044

Today's Date, and Date Application Signed: 9/11/2000